

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHELLE LUCILLE SPIKIN

v.

CITY OF PLANO, TEXAS and PAUL MALCOM,
Individually and in his Official Capacity

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Case No. 4:11-CV-598
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 29, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (Dkt. #11) be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (Dkt. #11) is **GRANTED**, and Plaintiff's claims are dismissed with prejudice.

It is SO ORDERED.

SIGNED this 28th day of December, 2011.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE